

02-19-08

JFw

**TRANSMITTAL LETTER**  
(General - Patent Pending)Docket No.  
848-P-1-USA

In Re Application Of: David M. Ruiz

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/805,037	March 19, 2004	Mansour M. Said	71850	2629	7948

Title: **HAND-HELD ON-SCREEN CONTROL DEVICE**COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE THAT A REPLY WAS  
TIMELY MAILED AND FILED UNDER 37 CFR §1.10(e) AND INCORPORATED DECLARATION IN  
SUPPORT OF PETITION**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_  
as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be  
included on this form. Provide credit card information and authorization on PTO-2038.**  
Signature

Dated: February 14, 2008

David G. Duckworth  
Reg. No. 39,516  
RUSSO & DUCKWORTH, LLP  
9090 Irvine Center Drive, 2nd Floor  
Irvine, CA 92618  
(949) 724-1255I hereby certify that this correspondence is being  
deposited with the United States Postal Service with  
sufficient postage as first class mail in an envelope  
addressed to the "Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David M. Ruiz  
Application No: 10/805,037  
Filed: March 19, 2004  
Title: HAND-HELD ON-SCREEN  
CONTROL DEVICE

Examiner: Said, Mansour M.

Art Unit: 2629

Confirmation No. 7948

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE  
THAT A REPLY WAS TIMELY MAILED AND FILED UNDER 37 C.F.R. §1.10(e) AND  
INCORPORATED DECLARATION IN SUPPORT OF PETITION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, David G. Duckworth, declare the following to be true and correct.

1. The U.S. Patent and Trademark Office issued an Office Action in connection with the above-identified patent application on December 22, 2006 requiring that a response be mailed with the payment of a three month extension on or before June 22, 2007.

2. The undersigned filed a response with the U.S. Patent and Trademark Office including a Petition for Extension of Time of three months and including the fee for such an extension on June 21, 2007, one day before the deadline.

3. After conducting a search of the U.S. Patent and Trademark Office records, Applicant has learned that the U.S. Patent and Trademark Office has issued a Notice of Abandonment of the instant application.

4. This Petition to Withdraw Holding of Abandonment has been filed within two weeks after the undersigned first became aware that the Office had no evidence of receipt of Applicant's correspondence. This two week delay was due to it conducting an investigation including a search of the undersigned's bank records to confirm that the Office had cashed Applicant's check in support of the Petition for Extension of Time.

5. A true and correct copy of Applicant's response including Combined Amendment & Petition for Extension of Time Under 37 C.F.R. §1.136(a); Amendment and Request for Reconsideration; Certificate of Mailing by Express Mail; Transmittal Letter; Declaration and Power of Attorney for Patent Application; check for payment of the extension fee; and return postcard that was mailed by the undersigned on June 21, 2007 is attached as Exhibit 1.

6. A true and correct copy of the Express Mail Mailing Label No. EV900412505US reflecting mailing of Applicant's response is attached as Exhibit 2.

7. A true and correct copy of the postcard including the Office's stamp reflecting receipt on June 21, 2007 is attached herewith as Exhibit 3.

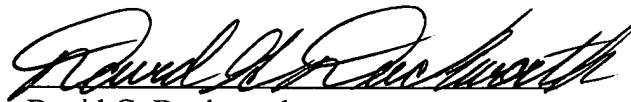
8. Finally, a true and correct copy of Applicant's bank statement reflecting that the check mailed on Applicant's behalf in support of the three month extension of time (check no. 1026) was cashed by the Office on June 27, 2007 is attached herewith as Exhibit 4.

In support of the above-identified application, a separate copy of Applicant's response is submitted herewith. It is requested that it be entered and abandonment be withdrawn.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or any trademark registration issued thereon.

Executed this 14<sup>th</sup> day of February, 2008 at Irvine, California.

By:

A handwritten signature in black ink, appearing to read "David G. Duckworth", written over a horizontal line.

David G. Duckworth

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **David M. Ruiz**

Docket No.

**848-P-1-USA**

Application No.

**10/805,037**

Filing Date

**March 19, 2004**

Examiner

**Mansour M. Said**

Customer No.

**71850**

Group Art Unit

**2629**

Invention:

**HAND-HELD ON-SCREEN CONTROL DEVICE****FEB 15 2008****PATENT & TRADEMARK OFFICE**

I hereby certify that the following correspondence:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON EVIDENCE THAT A REPLY WAS  
TIMELY MAILED AND FILED UNDER 37 CFR §1.10(e) AND INCORPORATED DECLARATION IN SUPPORT  
OF PETITION***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37  
CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

**February 14, 2008***(Date)***Deborah Rios***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EM156472264US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

FEB 15 2008

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
**848-P-1-USA**

In Re Application of: **DAVID M. RUIZ**

Application No.  
**10/805,037**

Filing Date  
**March 19, 2004**

Examiner  
**Mansour M. Said**

Customer No.

Group Art Unit  
**2629**

Confirmation No.  
**7948**

Title: **HAND-HELD ON-SCREEN CONTROL DEVICE**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☐ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

Dated: **June 21, 2007**

David G. Duckworth  
Reg. No. 39,516  
RUSSO & DUCKWORTH, LLP  
9090 Irvine Center Drive, Second Floor  
Irvine, CA 92618  
(949) 724-1255

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on \_\_\_\_\_

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): David M. Ruiz

Docket No.

848-P-1-USA

Application No.

10/805,037

Filing Date

March 19, 2004

Examiner

Mansour M. Said

Customer No.

Group Art Unit

2629

Invention: **HAND-HELD ON-SCREEN CONTROL DEVICE**

I hereby certify that the following correspondence:

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 21, 2007*(Date)*Deborah Rios*(Typed or Printed Name of Person Mailing Correspondence)**Deborah Rios*  
*(Signature of Person Mailing Correspondence)*EV900412505US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

DAVID G. DUCKWORTH, PC  
9090 IRVINE CENTER DRIVE  
SECOND FLOOR  
IRVINE, CA 92618

WELLS FARGO BANK, N.A.  
www.wellsfargo.com  
16-24/1220

1026

June 21, 2007

PAY TO THE  
ORDER OF

COMMISSIONER FOR PATENTS

\$ 510.00

\*\*Five hundred ten and 00/100\*\*

DOLLARS

MEMO

10/805,037  
848-P-1-USA  
Extension Fee

*Deborah Rios*

AUTHORIZED SIGNATURE

Details on Back

Security Features Included



Docket No. 848-P-1-USA

Serial/Patent No. 10/805,037

The date stamp of the Patent & Trademark Office  
hereon confirms the date the following was received.

☐ New Application

☐ Filing Date

☐ Assignment

☐ Drawing

☐ Notice of Appeal

☐ Appeal Brief

☒ Power of Att.

☒ Fee 3 Mon. Ext.

☒ Resp. to O.A.

☐ Con. Doc.

☒ Check No. 1026 \$ 510

PTO: Please stamp and return.

☒ Cert. of mailing  
via express

No. 9012 Patent receipt card, 9-02

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EV900412505US



EV 900412505 US

**EXPRESS  
MAIL**

UNITED STATES POSTAL SERVICE®

**Customer Copy**

Label 11-F, April 2004

**Post Office To Addressee**

ORIGIN (POSTAL SERVICE USE ONLY)				DELIVERY (POSTAL USE ONLY)			
PO-ZIP Code 92619		Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day		Postage \$ 16.25		Delivery Attempt Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature	
Date Accepted 6-21-07		Scheduled Date of Delivery Month Day 6 22		Return Receipt Fee \$		Delivery Attempt Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature	
Mo. Day Year		Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM		COD Fee Insurance Fee \$ \$		Delivery Date Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature	
Time Accepted 5:44 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM		Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day		Total Postage & Fees \$ 16.25		Mo. Day	
Flat Rate <input type="checkbox"/> or Weight 0.4 lbs. 0.5 ozs.		Int'l Alpha Country Code		Acceptance Emp. Initials CPC		<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
CUSTOMER USE ONLY METHOD OF PAYMENT: Express Mail Corporate Acct. No. X926524				<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday Customer Signature			
Federal Agency Acct. No. or Postal Service Acct. No.							
FROM: (PLEASE PRINT) PHONE ( ) 949 724 1255 DRUMMOND & DUCKWORTH 4590 MACARTHUR BLVD STE 500 NEWPORT BEACH CA 92660-2028 843-P-1-USA Ruiz				TO: (PLEASE PRINT) PHONE ( ) COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450			

FOR PICKUP OR TRACKING: Visit [www.usps.com](http://www.usps.com) or Call 1-800-222-1811

Docket No. 848-P-1-USA

Serial/Patent No. 10/805,037

The date stamp of the Patent & Trademark Office hereon confirms the date the following was received.

☐ New Application

☐ Filing Date

☐ Assignment

☐ Drawing

☐ Notice of Appeal

☐ Appeal Brief

☒ Power of Att.

☒ Fee 3 Mon. Ext.

☒ Resp. to O.A.

☐ Con. Doc.

Check No. 1026 \$ 510

No. 9012 Patent receipt card, 9-02



PTO: Please stamp and return.

☒ Cert. of mailing  
via express

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David G. Duckworth, PC

Account Number:  
Statement End Date:

06/30/07

**Checks Paid**

Check #	Date	Amount	Check #	Date	Amount
1001	Jun 07	4,875.00	1015	Jun 14	1,000.00
1002	Jun 05	2,544.60	1016	Jun 21	15.00
1003	Jun 13	76.62	1017	Jun 18	350.00
1004	Jun 15	114.26	1018	Jun 22	1,811.00
1005	Jun 15	22.28	1019	Jun 21	800.61
1006	Jun 12	3,946.76	1020	Jun 22	500.00
1007	Jun 13	1,613.68	1021	Jun 22	1,255.50
1008	Jun 11	1,456.77	1023 *	Jun 22	2,090.00
1010 *	Jun 15	1,030.00	1024	Jun 19	423.30
1011	Jun 15	1,030.00	1025	Jun 27	100.00
1012	Jun 19	150.00	1026	Jun 27	510.00
1013	Jun 19	100.00	1027	Jun 28	215.00
1014	Jun 20	120.00	1028	Jun 27	3,000.00

\* Gap in Check Sequence

**Daily Balance Summary**

Date	Balance	Date	Balance
May 31	14,631.92	Jun 18	9,740.97
Jun 05	12,087.32	Jun 19	9,067.67
Jun 06	24,819.46	Jun 20	8,947.67
Jun 07	19,944.46	Jun 21	8,132.06
Jun 11	25,017.49	Jun 22	2,475.56
Jun 12	21,070.73	Jun 25	7,086.86
Jun 13	19,380.43	Jun 27	12,662.20
Jun 14	12,287.51	Jun 28	12,447.20
Jun 15	10,090.97		

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**Business Savings**

David G. Duckworth, PC

Posted Date	Transaction Detail	Deposits/ Credits	Withdrawals/ Debits	Ending Balance
May 31	Beginning Balance			100.03
Jun 29	Interest Payment	0.02		100.05
Jun 30	Ending Balance			100.05

Continued on next page

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **David M. Ruiz**

Docket No.

**848-P-1-USA**

Application No.

**10/805,037**

Filing Date

**March 19, 2004**

Examiner

**Mansour M. Said**

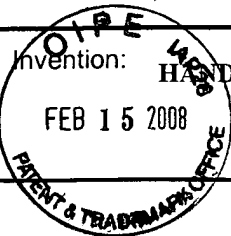
Customer No.

**71850**

Group Art Unit

**2629**

Invention:

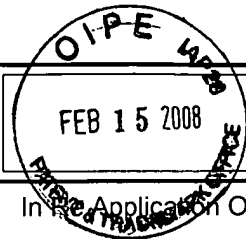
**HAND-HELD ON-SCREEN CONTROL DEVICE****FEB 15 2008**

I hereby certify that the following correspondence:

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

**February 14, 2008***(Date)***Deborah Rios***(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)***EM156472264US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**



**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
**848-P-1-USA**

In Re Application Of: **David M. Ruiz**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/805,037	March 19, 2004	Mansour M. Said	71850	2629	7948

Title: **HAND-HELD ON-SCREEN CONTROL DEVICE**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
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- ☐ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

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Signature

Dated: February 14, 2008

David G. Duckworth  
Reg. No. 39,516  
RUSSO & DUCKWORTH, LLP  
9090 Irvine Center Drive, 2nd Floor  
Irvine, CA 92618  
(949) 724-1255

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on \_\_\_\_\_.

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b> Applicant(s): David M. Ruiz FEB 15 2008			Docket No. 848-P-1-USA	
Application No. 10/805,037	Filing Date March 19, 2004	Examiner Mansour M. Said	Customer No.	Group Art Unit 2629

Inventor: **HAND-HELD ON-SCREEN CONTROL DEVICE**

I hereby certify that the following correspondence:

**AMENDMENT AND REQUEST FOR RECONSIDERATION; \$510 FEE**

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 21, 2007

*(Date)*

Deborah Rios

*(Typed or Printed Name of Person Mailing Correspondence)*

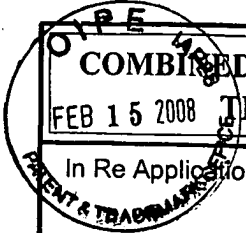
Deborah Rios

*(Signature of Person Mailing Correspondence)*

EV900412505US

*("Express Mail" Mailing Label Number)*

**Note: Each paper must have its own certificate of mailing.**



**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Small Entity)**

Docket No.  
**848-P-1-USA**

In Re Application Of: **David M. Ruiz**

Application No. <b>10/805,037</b>	Filing Date <b>March 19, 2004</b>	Examiner <b>Mansour M. Said</b>	Customer No.	Group Art Unit <b>2629</b>	Confirmation No. <b>7948</b>
--------------------------------------	--------------------------------------	------------------------------------	--------------	-------------------------------	---------------------------------

Invention: **HAND-HELD ON-SCREEN CONTROL DEVICE**

**COMMISSIONER FOR PATENTS:**

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of **December 22, 2006** in the above-identified application.  
*Date*

The requested extension is as follows (check time period desired):

- ☐ One month    ☐ Two months    ☒ Three months    ☐ Four months    ☐ Five months

from: **March 22, 2007**    until: **June 22, 2007**  
*Date*    *Date*

Applicant claims small entity status. See 37 CFR 1.27.

The fee for the amendment and extension of time has been calculated as shown below:

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	6 -	20 =	0	x \$25.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0	x \$100.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$510.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$510.00



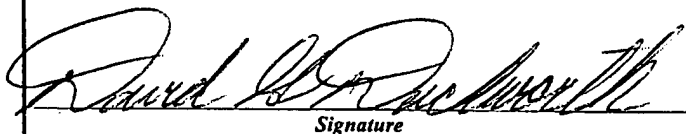
**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Small Entity)**

Docket No.  
**848-P-1-USA**

The fee for the amendment and extension of time is to be paid as follows:

- ☒ A check in the amount of **\$510.00** for the amendment and extension of time is enclosed.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_
- ☐ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.
- ☐ Any additional filing fees required under 37 C.F.R. 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



*Signature*

David G. Duckworth  
Reg. No. 39,516  
RUSSO & DUCKWORTH, LLP  
9090 Irvine Center Drive, Second Floor  
Irvine, CA 92618  
(949) 724-1255

Dated: June 21, 2007

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\_\_\_\_\_  
(Date)

\_\_\_\_\_  
*Signature of Person Mailing Correspondence*

\_\_\_\_\_  
*Typed or Printed Name of Person Mailing Correspondence*

CC:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **David M. Ruiz**

Docket No.

**848-P-1-USA**

Application No.

**10/805,037**

Filing Date

**March 19, 2004**

Examiner

**Mansour M. Said**

Customer No.

**71850**

Group Art Unit

**2629**Inventor **HAND-HELD ON-SCREEN CONTROL DEVICE**

I hereby certify that the following correspondence:

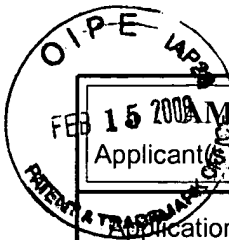
**AMENDMENT AND REQUEST FOR RECONSIDERATION***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

**February 14, 2008***(Date)***Deborah Rios***(Typed or Printed Name of Person Mailing Correspondence)*

A handwritten signature in cursive script that reads "Deborah Rios".

*(Signature of Person Mailing Correspondence)***EM156472264US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**



<b>AMENDMENT TRANSMITTAL LETTER (Small Entity)</b>				Docket No. <b>848-P-1-USA</b>	
Applicant(s): <b>David M. Ruiz</b>					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
<b>10/805,037</b>	<b>March 19, 2004</b>	<b>Mansour M. Said</b>	<b>71850</b>	<b>2629</b>	<b>7948</b>

Invention: **HAND-HELD ON-SCREEN CONTROL DEVICE**

COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	6 -	20 =	0	x \$25.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0	x \$105.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_
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Signature

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Dated: **February 14, 2008**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David M. Ruiz

Application No: 10/805,037

Filed: March 19, 2004

Title: HAND-HELD ON-SCREEN  
CONTROL DEVICE

Examiner: Said, Mansour M.

Art Unit: 2629

Confirmation No. 7948

AMENDMENT AND REQUEST FOR RECONSIDERATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of December 22, 2006, please amend the application as follows.

In the Claims

Please cancel Claims 1 - 20 and add Claims 21 - 26 as follows:

Claims 1 - 20 (Cancelled)

21. (New) A computer interface controller including cursor and button controllers, the computer interface controller comprising:

a housing adapted to reside within a person's fingers against a person's index and middle fingers;

affixing means for attaching said housing within a person's fingers to a person's index and middle fingers;

a cursor controller for providing X-Y control of a cursor on a computer screen, said cursor controller positioned within said housing so as to be controlled by a person's thumb when said housing is attached to a person's index and middle fingers;

a first button member affixed to said housing, said first button member positioned so as to be depressable by a person's index finger when said housing is attached to a person's index and middle fingers; and

a second button member affixed to said housing, said second button member positioned so as to be depressable by a person's middle finger when said housing is attached to a person's index and middle fingers.

22. (New) The computer interface controller of claim 21 wherein said affixing means includes a pair of rings constructed of a hook or pile fastener adapted to wrap around a person's index and middle fingers, and includes a corresponding hook or pile fastener engaging said housing to allow the housing to attach to and detach from a person's index and middle fingers.

23. (New) The computer interface controller of claim 21 wherein said cursor controller includes an optical sensor.

24. (New) The computer interface controller of claim 21 wherein said cursor controller includes a track ball.

25. (New) The computer interface controller of claim 21 wherein said cursor controller includes a touch pad.

26. (New) A computer interface controller including cursor and button controllers, the computer interface controller comprising:

a housing adapted to reside within a person's fingers against a person's index and middle fingers;

affixing means for attaching said housing within a person's fingers to a person's index and middle fingers;

a cursor controller in the form of an optical sensor for providing X-Y control of a cursor on a computer screen, said cursor controller positioned within said housing so as to be controlled by a person's thumb when said housing is attached to a person's index and middle fingers;

a first button member affixed to said housing, said first button member positioned so as to be depressable by a person's index finger when said housing is attached to a person's index and middle fingers; and

a second button member affixed to said housing, said second button member positioned so as to be depressable by a person's middle finger when said housing is attached to a person's index and middle fingers.

## REMARKS

The Examiner's attention to the present application is greatly appreciated.

In the recent Office Action, Claim 20 was objected to as being of improper dependent form. This objection has been overcome by cancelling the claim.

Claims 1 - 19 were rejected under 35 U.S.C. §102 as being anticipated by *Doynov* (U.S. Patent Application Publication No. 2002/0163495). Applicant has now cancelled all previous claims and introduced new Claims 21 - 26 which include substantial structure not previously set forth. More particularly, each and every one of the claims now include the limitation that the housing is adapted to reside within a person's fingers against a person's index and middle fingers. The claims include the limitation that the computer interface controller includes an affixing means for affixing the housing to a person's index and middle fingers. A cursor controller is included within each and every claim which provides for X-Y control of a cursor on a computer screen and the cursor controller is positioned within the housing so as to be controlled by a person's thumb. Finally, each and every one of the claims are limited to require that the computer interface controller includes first and second button members with the first button member positioned so as to be depressable by a person's index finger and the second button member is depressable by a person's middle finger. Several of these limitations are not disclosed or suggested in *Doynov* or the other prior art.



*Doynov* describes a cursor control device which is adapted to affix to a person's index finger and a person's wrist. The control device includes an X-Y controller 12 affixed to a person's index finger which is controllable by a person's thumb. Buttons 15 are also affixed to a person's index finger for control by a person's thumb.


In contrast, Applicant's claimed invention includes a housing which is affixed to a person's index and middle fingers. *Doynov* does not suggest this construction. In addition, Applicant's claimed invention includes button members which are positioned within a person's fingers so as to be depressed by a person's index and middle fingers. Again, these claim limitations are nowhere disclosed or suggested in *Doynov*.

Because *Doynov* alone or in combination with other prior art does not disclose several limitations of Applicant's claims, the claims are believed to be in condition for allowance.

## CONCLUSION

Claims 21 - 26 are believed allowable and notice thereof is respectfully requested. If there are any additional issues that need to be resolved, it is requested that a telephone call be placed to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Duckworth". The signature is fluid and cursive, with a large initial "D" and a stylized "W".

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